IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

Bail Appl..No. 1160 of 2007()

LP.21/1989 of J.M.F.C.-II,PERINTHALMANNA
.....

: PETITIONER/PETITIONER

MUSTHAFA, S/O.MOIDEENKUTTY,
AGED 39 YEARS, RESIDING AT NHELIYATHODI HOUSE,
PULAMANTHOLE, MALAPPURAM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS/COMPLAINANT AS STATE)
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1. THE SUB INSPECTOR OF POLICE,
PERINTHALMANNA POLICE STATION,
MALAPPURAM DISTRICT.

2. THE STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
COCHIN-682 031.

BY PUBLIC PROSECUTOR SHRI K.S.SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 1160 OF 2007

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DATED THIS THE 28th DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the 8th accused in Crime No.298/87 of Perinthalmanna Police Station for offences punishable under sections 143, 147, 353 and 379 read with section 149 IPC, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.C.No.26/89 on the file of J.F.C.M.-II, Perinthalmanna, the case against him was split up and transferred to the long pending register as L.P.No.21/89. Admittedly, non-bailable warrants of arrest are pending against the petitioner.

3. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after examining the explanation offered by the petitioner for his previous non-appearance and also after considering the contention of the petitioner that the co-accused in the case have been acquitted after trial.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn